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10/564,848	01/13/2006	Ku-Bong Min	2080-3483	2342
35884 7590 07/20/2009 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER				
KEEHN, RICHARD G				
ART UNIT		PAPER NUMBER		
2456				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/564,848

Applicant(s)

MIN ET AL.

Examiner

Richard G. Keehn

Art Unit

2456

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 24-27, 30, 32, 33, 39, 40 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 24-27, 30, 32, 33, 39, 40 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/22/09 and 7/10/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 21, 24-27, 30, 32, 33, 39, 40 and 43-46 have been examined and are pending.
2. Claims 1-20, 22, 23, 28, 29, 31, 34-38, 41 and 42 are cancelled.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2009 has been entered.

Response to Arguments

4. Applicant's arguments filed 7/10/2009 have been fully considered but they are not persuasive.
 - a. Applicant's argument that Runkis is silent on disclosing rendering control services was also raised in the prior office action and continues to be unpersuasive. In the last set of arguments, as well as the arguments presented currently, Applicant continues to assert the "rendering" as know to one of ordinary skill in the art is not related to flow control. Yet as pointed out in the prior Office action, "rendering", as known to one of ordinary skill in the art at the time

the invention was made, also refers to playback. Examiner cited the following US patent publications as prior art in support of Examiner's assertion that "rendering" refers to playback or what Applicant calls "flow control":

- i. US 6,785,709 B1 (column 14, lines 38-42)
- ii. US 5,951,690 A (column 2, lines 54-61)
- iii. US 5,913,038 A (column 11, lines 39-46)
- iv. US 5,889,515 A (column 2, line 17)

These publications clearly indicate that the term "rendering" also refers to playback, as demonstrated to be known to one of ordinary skill in the art at the time the invention was made. Furthermore, Applicant implies rendering as playback in the claim language of claim 45: "Adjusting a time offset for the playback of the content on a rendering device..." This language implies rendering as including playback. Otherwise, a device merely for adjusting contrast or brightness, without playback, would be useless as there would be no media displayed to have brightness and contrast adjusted thereupon. Therefore, Applicant's argument regarding Runkis' silence on "rendering" is unpersuasive.

b. Applicant's argument that Runkis does not disclose "obtaining state information from at least two services utilized in the playback of the content, the at least two services comprising an AV Transport service and a Rendering Control service...the stored state information is later utilized in setting corresponding states of services to resume playback of the content" is unpersuasive because Runkis discloses these claimed limitations in paragraphs

[0070-0073]. Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server. Therefore, Applicant's argument is unpersuasive.

5. Applicant's remaining arguments with respect to claims 43-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 21, 24-27, 30, 32, 33, 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2003/0046338 A1 (Runkis).

As to Claim 21, Runkis anticipates a method for delivering content playback related information between devices on a network, the method comprising:

obtaining state information from at least two services utilized in the playback of the content, the at least two services comprising an AV Transport service and a Rendering Control Service (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services); and

invoking an action to a device to store the state information in the device (Runkis, Page 6, ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium),

the state information being included in the action as an input argument, (Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶ [0073] discloses that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller),

wherein the stored state information is later utilized in setting corresponding states of services to resume playback of the content (Runkis, Page 6, ¶ [0073] discloses user-generated data files being stored in the central controller's database; Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]).

As to Claim 24, Runkis anticipates the method of claim 21, wherein the state information obtained from the AV Transport service includes control information to be used for later playback of the content from a position where playback of the content is stopped (Runkis, Page 7, ¶ [0078] discloses a service being capable of storing the state

of playback, and retrieving and rendering at a different location from the point in the rendering where playback was interrupted; Page 7, ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location).

As to Claim 25, Runkis anticipates the method of claim 21, wherein the device includes the at least two services (Runkis, Page 7, ¶ [0078] discloses a service being an audio/visual service and rendering control of watching a feature movie; Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 26, Runkis anticipates a system for delivering content playback related information, the system, comprising:

- a server configured for storing content (Runkis, Page 6, ¶ [0072] discloses the use of the central controller's database as serving multiple PANOs.);

- a device configured for including a Rendering Control service (Runkis, Page 7, ¶ [0078] discloses a service being an audio/visual service and rendering control of watching a feature movie; Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered); and

- a control point configured for controlling the server and the device (Runkis, Page 6, ¶ [0073] discloses the PANO controlling the central controller server and rendering device),

wherein the control point is further configured to:

obtain state information from at least two services utilized in the playback of the content, the at least two services comprising an AV Transport service and the Rendering Control Service (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services); and

invoke an action to the server to store the state information in the server, the stored state information being later utilized in setting corresponding states of services to resume playback of the content (Runkis, Page 6, ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium, invoked by the PANO; Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]),

wherein the state information is included in the action as an input argument (Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶ [0073] discloses that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller).

As to Claim 27, Runkis anticipates the system of claim 26, wherein the server is configured to store the state information according to the action (Runkis, Page 6, ¶ [0073] discloses the central controller's database storing information according to the request of the PANO).

As to Claim 30, Runkis anticipates the system of claim 26, wherein the server or the device is configured to include the AV Transport service (Runkis, Page 6, ¶¶ [0072-0074] describe a system wherein a home computer, which is be capable of supporting the transport of AV signals to remote rendering devices which render images and sound, through the use of the PANO superobject and network).

As to Claim 32, Runkis anticipates the system of claim 27, wherein the state information stored in the server and obtained from the AV Transport service includes control information to be used for later playback of the content from a position where playback of the content is stopped (Runkis, Page 13, ¶ [0164] discloses an example of starting to watch a movie on one PANO in a hotel room, stopping playback, and resuming playback where she left off on a flight PANO; Page 7, ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location).

As to Claim 33, Runkis anticipates the system of claim 27, further comprising a second control point, the second control point configured for reading the state

information stored in the server and setting the read state information to a second device (Runkis, Page 6, ¶ [00764] discloses the retrieval of playback information from the central server via data files to a second PANO).

As to Claim 45, Runkis anticipates the method of claim 21, further comprising:

Adjusting a time offset for the playback of the content on a rendering device according to time information obtained from the state information delivered by the device (Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]; Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

As to Claim 46, Runkis anticipates the system of claim 26, wherein a time offset for playback of the content is adjusted on a rendering device according to time information obtained from the stored state information delivered by the server (Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]; Runkis, Page 7, ¶ [0078] discloses the user requesting to

continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
9. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runkis as applied to claims 21 and 27 above, respectively, and further in view of US 2004/0139480 A1 (Delpuch et al.).

As to Claim 39, Runkis anticipates the method of claim 21, and the information related to the rendering states in which data of the content is rendered, but does not disclose wherein the information related to the rendering states in which data of the content is rendered includes a value about volume. However Delpuch et al. disclose wherein the information related to the rendering states in which data of the content is rendered includes a value about volume (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein the information related to the rendering states in which data of the content is rendered includes a value about volume taught by

Delpuch et al., with the information related to the rendering states in which data of the content is rendered taught by Runkis, in order to remember the previous volume setting to facilitate service interruptions such as muting (Delpuch et al. – paragraph [0170]).

As to Claim 40, Runkis anticipates the system of claim 27, and the information related to the rendering states in which data of the content is rendered, but does not disclose wherein the information related to the rendering states in which data of the content is rendered includes a value about volume. However Delpuch et al. disclose

wherein the information, stored in the server, related to the rendering states in which data of the content is rendered includes a value about volume (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

The motivation and obviousness arguments are the same as in Claim 39.

10. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runkis as applied to claims 21 and 26 above, respectively, and further in view of US 2004/0243694 A1 (Weast).

As to Claims 43 and 44, Runkis discloses the method and system of claims 21 and 26 respectively, wherein the AV Transport service and the Rendering Control service (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of

a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

Runkis is silent on UPnP. However Weast discloses rendering and transport are defined by UPnP system (Weast discloses UPnP rendering and media transport - ¶ [0001]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine rendering and transport are defined by UPnP system taught by Weast, with the AV Transport service and the Rendering Control service taught by Runkis, in order to employ user friendly hardware interfaces (Weast - ¶ [0001]).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These include:

US 2005/0262217 A1 Contents linkage information delivery system

US 2003/0206728 A1 Information recording method, information recording medium, information playback method, and information playback apparatus

US 2003/0142956 A1 SIGNAL RECORD/PLAYBACK APPARATUS AND METHOD FEATURING INDEPENDENT RECORDING

AND PLAYBACK PROCESSING

- US 2002/0165987 A1 Digital contents watching method and its system
- US 2004/0198217 A1 Follow-me broadcast reception method and system
- US 2004/0003073 A1 Method, system, and computer program product for managing controlled residential or non-residential environments
- US 2003/0133558 A1 MULTIPLE CALL WAITING IN A PACKETIZED COMMUNICATION SYSTEM
- US 5,867,494 A System, method and article of manufacture with integrated video conferencing billing in a communication system architecture
- US 5,751,338 A Methods and systems for multimedia communications via public telephone networks
- US 5,889,515 A Rendering an audio-visual stream synchronized by a software clock in a personal computer
- US 5,913,038 A System and method for processing multimedia data streams using filter graphs
- US 5,951,690 A Synchronizing an audio-visual stream synchronized to a clock with a video display that is synchronized to a different clock
- US 6,502,126 B1 Method and apparatus for running customized data and/or video conferencing applications employing

- prepackaged conference control objects utilizing a runtime synchronizer
- US 6,785,709 B1 Method and apparatus for building customized data and/or video conferencing applications utilizing prepackaged conference control objects
- US 6,941,324 B2 Methods and systems for processing playlists
- US 7,421,411 B2 Digital rights management in a mobile communications environment
- US 2003/0182100 A1 Methods and systems for per persona processing media content-associated metadata
- US 2003/0182255 A1 Methods and systems for repairing playlists
- US 2003/0182254 A1 Methods and systems for providing playlists
- US 2003/0182315 A1 Methods and systems for processing playlists
- US 7,055,169 B2 Supporting common interactive television functionality through presentation engine syntax
- US 2005/0122934 A1 Communications apparatus, image sensing apparatus and control method therefor

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 9:00am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446